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JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

MICHAEL R. STYLER
Executive Director

JOHN R. BAZA
Division Director

gk

February 4, 2008

Michael Blakey, Plant Manager
Sunnyside Cogeneration Associates
P.O. Box 159
Sunnyside, Utah 84539

Subject: Five-Year Permit Renewal, Sunnyside Cogeneration Associates, Sunnyside Refuse and Slurry, C/007/0035, Task ID #2842, Outgoing File

Dear Mr. Blakey:

The Division of Oil, Gas and Mining has reviewed your application for permit renewal and has made a decision to approve this application. Enclosed is the renewed permanent program mining permit for the Sunnyside Refuse and Slurry and a copy of the State's Decision Document.

Two (2) copies of the permit are included. Please have both copies signed by the responsible official for Sunnyside Cogeneration Associates and return one to the Division.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Baza".

John R. Baza
Director

an

Enclosures

cc: J. Fulton, OSM
Price Field Office

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**UTAH DIVISION OF OIL, GAS AND MINING
STATE DECISION DOCUMENT**

**For
PERMIT RENEWAL**

**Sunnyside Cogeneration Associates
Sunnyside Refuse and Slurry
C/007/0035
Carbon County, Utah**

February 4, 2008

CONTENTS

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- * Location Map
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ADMINISTRATIVE OVERVIEW

Sunnyside Cogeneration Associates
Sunnyside Refuse and Slurry
C/007/0035
Carbon County, Utah

February 4, 2008

BACKGROUND

The initial permit for the Sunnyside operation was issued on February 4, 1993. This permit allowed Sunnyside Cogeneration Associates (SCA) to conduct surface mining operation on a portion of the old Sunnyside Mine. Coal waste and slurry are recovered from the refuse piles and slurry ponds for use as fuel in the Sunnyside Cogeneration power plant.

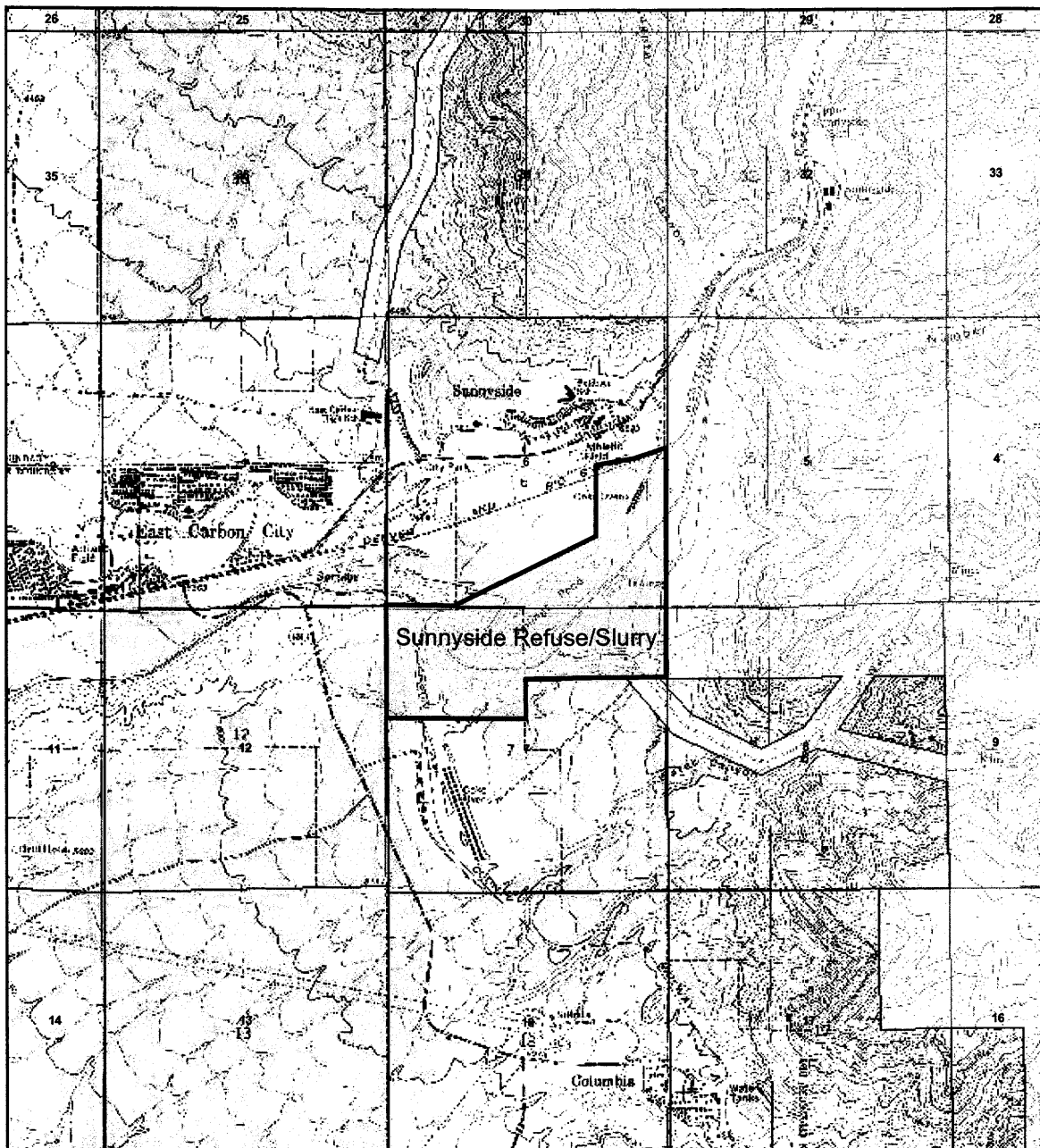
The Division received SCA's application for a five-year permit renewal for the Sunnyside Refuse and Slurry facility on August 21, 2007.

ANALYSIS

The Permittee has met the requirements for permit renewal. The notice of permit renewal was published in the Sun Advocate on September 13, 20, 17, and 27, 2007. No comments were received during the public comment period.

RECOMMENDATION







Requirements for permit renewal have been met. Approval for this permit renewal is recommended.

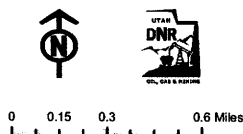


Sunnyside Refuse/Slurry

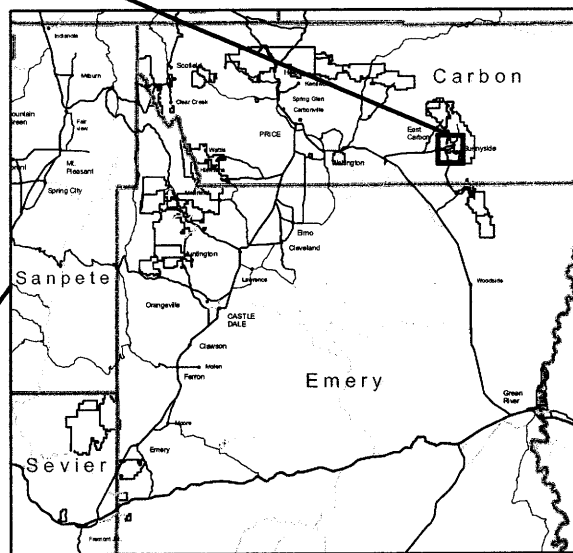
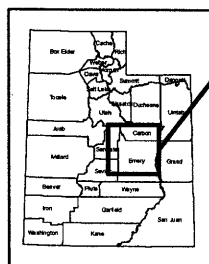
C0070035
Carbon County, Utah

Township 15 South Range 14 East

- | | |
|--|--|
|  Permit Area |  Proposed State Permit Modification |
|  Proposed Mine Plan Modification (If shown) |  Active Permit |
| |  In Reclamation |
| |  Relained-Final Bond Release |



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9/24/2007 @ 12:18:10 PM
NAD 1983 UTM Zone 12N



Locator Map

PERMITTING CHRONOLOGY

Sunnyside Cogeneration Associates
Sunnyside Refuse and Slurry
Permit Renewal
C/007/035
Carbon County, Utah

February 4, 2008

August 21, 2007	Division receives application from Sunnyside Cogeneration Associates for mining permit renewal.
September 19, 2007	Division notifies Sunnyside Cogeneration Associates that the Sunnyside Refuse and Slurry permit renewal application is determined complete.
September 24, 2007	Division notifies other federal, state and local agencies about the Sunnyside Refuse and Slurry permit renewal.
September 27, October 4, 11 and 18, 2007	The Sunnyside Refuse and Slurry permit renewal is published in the <u>Sun Advocate</u> for four consecutive weeks.
November 4, 2007	End of public comment period.
February 4, 2008	Division issues Decision Document and renewed state permit.

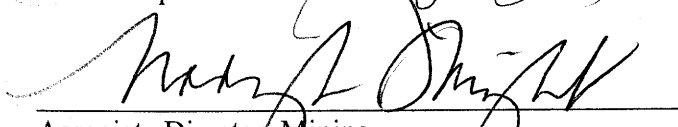
PERMIT RENEWAL FINDINGS

Sunnyside Cogeneration Associates
Sunnyside Refuse and Slurry
C/007/035
Carbon County, Utah

February 4, 2008

1. The permit renewal term will not exceed the original permit term of five years (R645-303-234).
2. The terms and conditions of the existing permit are being satisfactorily met (R645-303-233.110).
3. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the Act and the Utah State Program (R645-303-233.120).
4. The requested renewal will not substantially jeopardize the operator's continuing ability to comply with the Act and the Utah State Program (R645-303-233.130).
5. The Permittee has provided evidence of having liability insurance (Federal Insurance Company, policy number, 3581-69-76)(R645-303-233.140).
6. The Permittee has posted a reclamation performance bond in the form of Treasury Securities in the required amount of \$1,775,000 effective in year 2009 dollars. This instrument will remain in full effect for the additional permit period. No additional surface disturbances are approved with this renewal (R645-303-233.150).
7. The Permittee has submitted all updated information as required by the Division at this time. (R645-233.160).


Permit Supervisor


Associate Director, Mining


Director


AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

SS.

County of Carbon,)

I, Richard Shaw, on oath, say that I am the Publisher of the Sun Advocate, a twice-weekly newspaper of general circulation, published at Price, State a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and the first publication was on the 27th day of September, 2007, and that the last publication of such notice was in the issue of such newspaper dated the 18th day of October, 2007.

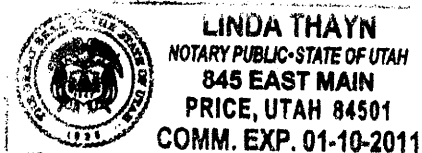

Richard Shaw - Publisher

Subscribed and sworn to before me this 18th day of October, 2007.



Notary Public My commission expires January 10, 2007 Residing at Price, Utah

Publication fee, \$ 366.08



OCT 22 2007

cc file

PUBLIC NOTICE

Notice is hereby given as required by the Utah Coal Mining Rules, R645-300-121 that Sunnyside Cogeneration Associates, P.O. Box 10, East Carbon, Utah 84520, has filed an application to permit Waste Coal Mining. Approval of this application will allow Sunnyside Cogeneration Associates to operate the Sunnyside Waste Coal Pile project under the provisions of the Utah Coal Mining and Reclamation Act and the Utah R645 Coal Mining Rules.

The permit area is comprised of 323.95 acres of fee land and is located in Carbon County, Utah, just off Hwy. 123. The proposed permit area will not affect any County or State road in anyway. The entire property is located within lands shown on USGS 7.5 minutes "Sunnyside" Quadrangle map and described as:

Township 15 South, Range 14 East, SLB&M
Section 8: Portions of SW/2 and SE1/4 of NE1/4
Section 7: Portions of N1/2

Copies of the permit will be available for inspection at the following locations:

Utah Division of Gas and Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114

Utah Division of Gas and Mining
455 West Railroad Ave.
Price, Utah 84501

Mining activities were previously permitted by Permit C/007/035 dated February 4, 2003.

Written comments, objections or requests or an informal conference regarding this application must be submitted within 30 days of the last publication date of this notice, to the Utah Division of Oil, Gas and Mining, Attention Coal Regulatory Program, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114.
Published in the Sun Advocate September 27, October 4, 11 and 18, 2007.



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State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Oil, Gas & Mining

MICHAEL R. STYLER
Executive Director

JOHN R. BAZA
Division Director

February 4, 2008

TO: Internal File

FROM: Pamela Grubaugh-Littig, Permit Supervisor *PGL*

RE: 510 (c) Recommendation for Sunnyside Refuse/Slurry, Sunnyside Cogeneration Associates, C/007/0035, Task ID #2842

As of this writing of this memo, there are no NOVs or COs which are not corrected or in the process of being corrected for the Sunnyside Refuse/Slurry. There are no finalized civil penalties, which are outstanding and overdue in the name of Sunnyside Cogeneration Associates. Sunnyside Cogeneration Associates does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

Attached is a recommendation from the OSM Applicant Violator System for the Sunnyside Refuse/Slurry that states there are no outstanding violations.

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Permit Evaluation

Permit Number ACT007035
 Permittee Name 128991 Sunnyside Cogeneration Associates
 Date of Evaluation 2/5/2008 12:18:05 PM
 Requested Individual Angela Nance

CAUTION: The Applicant/Violator System (AVS) is an informational database. Permit eligibility determinations are made by the regulatory authority with jurisdiction over the permit application not by the AVS. Results which display outstanding violations may not include critical information about settlements or other conditions that affect permit eligibility. Consult the AVS Office at 800-643-9748 for verification of information prior to making decisions on these results.

There were no violations retrieved by the system

Evaluation OFT

Entities: 93

118999 Mcdermott International Inc - ()
 ---118990 Thomas A Henzler - (Vice President)
 ---118991 Robert A Jolliff - (Treasurer)
 ---118992 Frank C Allen Jr - (Vice President)
 ---118994 Robert E Stumpf - (Assistant Secretary)
 ---118998 Mcdermott Inc - (Subsidiary Company)
 -----118990 Thomas A Henzler - (Vice President)
 -----118991 Robert A Jolliff - (Treasurer)
 -----118992 Frank C Allen Jr - (Vice President)
 -----118994 Robert E Stumpf - (Assistant Secretary)
 -----118997 Babcock & Wilcox Investment Co - (Subsidiary Company)
 -----118990 Thomas A Henzler - (Vice President)
 -----118991 Robert A Jolliff - (Treasurer)
 -----118992 Frank C Allen Jr - (Vice President)
 -----118994 Robert E Stumpf - (Assistant Secretary)
 -----118996 Babcock & Wilcox Co - (Subsidiary Company)
 -----118990 Thomas A Henzler - (Vice President)
 -----118991 Robert A Jolliff - (Treasurer)
 -----118992 Frank C Allen Jr - (Vice President)
 -----118994 Robert E Stumpf - (Assistant Secretary)
 -----118995 Babcock & Wilcox Equity Investment Inc - (Subsidiary Company)
 -----118990 Thomas A Henzler - (Vice President)
 -----118991 Robert A Jolliff - (Treasurer)
 -----118994 Robert E Stumpf - (Assistant Secretary)
 -----137140 Paul P Koenderman - (Corporate Officer)
 -----137140 Paul P Koenderman - (Senior Vice President)
 -----137303 S John Tsai - (Secretary)
 -----137140 Paul P Koenderman - (Chief Operations Officer)
 -----137140 Paul P Koenderman - (Senior Vice President)
 -----137288 R E Woolbert - (Corporate Officer)
 -----137288 R E Woolbert - (Executive Vice President)
 -----137291 Daniel R Gaubert - (Controller)
 -----137291 Daniel R Gaubert - (Vice President)
 -----137293 J D Krueger - (Vice President)
 -----137297 John W Brombacher - (Assistant Treasurer)
 -----137298 Jack M Arnold - (Assistant Secretary)
 -----137303 S John Tsai - (Assistant Secretary)
 -----137304 J Tusa - (Controller)
 -----137338 W L Higgins III - (Corporate Officer)
 -----137342 Paul E Ralston - (Corporate Officer)
 -----137342 Paul E Ralston - (Vice President)
 -----137344 William M Farrell - (Manager)
 -----137344 William M Farrell - (Vice President)
 -----137345 James S Kulig - (Manager)
 -----137345 James S Kulig - (Vice President)
 -----137347 George J Clessuras - (Vice President)

-----137140 Paul P Koenderman - (Chief Operations Officer)
-----137140 Paul P Koenderman - (Senior Vice President)
-----137287 J J Stewart - (President)
-----137288 R E Woolbert - (Chief Operations Officer)
-----137288 R E Woolbert - (Executive Vice President)
-----137290 Edgar A Womack Jr - (Chief Operations Officer)
-----137290 Edgar A Womack Jr - (Senior Vice President)
-----137291 Daniel R Gaubert - (Controller)
-----137291 Daniel R Gaubert - (Vice President)
-----137293 J D Krueger - (Vice President)
-----137297 John W Brombacher - (Assistant Treasurer)
-----137298 Jack M Arnold - (Assistant Secretary)
-----137303 S John Tsai - (Assistant Secretary)
-----137304 J Tusa - (Controller)
-----137341 Elbert O Hooker - (Chief Operations Officer)
-----137341 Elbert O Hooker - (Senior Vice President)
-----137342 Paul E Ralston - (Chief Operations Officer)
-----137343 James A Conner Jr - (Manager)
-----137343 James A Conner Jr - (Vice President)
-----137344 William M Farrell - (Manager)
-----137344 William M Farrell - (Vice President)
-----137345 James S Kulig - (Manager)
-----137345 James S Kulig - (Vice President)
-----137347 George J Clessuras - (Vice President)
-----137288 R E Woolbert - (Corporate Officer)
-----137288 R E Woolbert - (Executive Vice President)
-----137290 Edgar A Womack Jr - (Corporate Officer)
-----137290 Edgar A Womack Jr - (Senior Vice President)
-----137291 Daniel R Gaubert - (Controller)
-----137291 Daniel R Gaubert - (Vice President)
-----137293 J D Krueger - (Vice President)
-----137294 John Ruckert Jr - (Vice President)
-----137296 G A Stoddart - (Vice President)
-----137297 John W Brombacher - (Assistant Treasurer)
-----137298 Jack M Arnold - (Assistant Secretary)
-----137299 P R Buchler - (Assistant Secretary)
-----137303 S John Tsai - (Assistant Secretary)
-----137304 J Tusa - (Controller)
-----137339 J M Pearson - (Manager)
-----137339 J M Pearson - (Vice President)
-----137340 D L Ward - (Assistant Secretary)
---125728 Theodore Halsey Black - (Director)
---132899 Lawrence R Purtell - (Director)
---137287 J J Stewart - (Executive Vice President)
---137288 R E Woolbert - (Chief Operations Officer)
---137288 R E Woolbert - (Executive Vice President)
---137290 Edgar A Womack Jr - (Chief Operations Officer)
---137290 Edgar A Womack Jr - (Senior Vice President)
---137291 Daniel R Gaubert - (Controller)
---137291 Daniel R Gaubert - (Vice President)
---137293 J D Krueger - (Vice President)
---137294 John Ruckert Jr - (Vice President)
---137295 F J San Miquel - (Vice President)
---137296 G A Stoddart - (Vice President)
---137297 John W Brombacher - (Assistant Treasurer)
---137298 Jack M Arnold - (Assistant Secretary)
---137299 P R Buchler - (Assistant Secretary)
---137300 Y De Hernandez - (Assistant Secretary)
---137302 R J Robicheaux - (Assistant Secretary)
---137303 S John Tsai - (Assistant Secretary)
---137307 P J Burguiers - (Director)
---137311 W Mccollam Jr - (Director)
---137313 J N Turner - (Director)
120377 Northern States Power Co - ()
---106084 Thomas Micheletti - (Vice President)
---120378 James J Howard - (Chairman of the Board)
---120378 James J Howard - (Chief Executive Officer)
---120378 James J Howard - (President)
---120379 Edwin M Theisen - (Director)
---120384 Vincent E Beacom - (Vice President)
---120389 Gary R Johnson - (Vice President)
---120392 Roger D Sandeen - (Controller)
---120392 Roger D Sandeen - (Vice President)

---120395 Loren L Taylor - (President)
---120399 H Lyman Bretting - (Director)
---120400 David A Christensen - (Director)
---120401 W John Driscoll - (Director)
---120402 Dale L Haakenstad - (Director)
---120404 Richard M Kovacevich - (Director)
---120405 Douglas W Leatherdale - (Director)
---120408 Margaret R Preska - (Director)
---120409 A Patricia Sampson - (Director)
---137518 Edward J McIntyre - (Chief Financial Officer)
---137518 Edward J McIntyre - (Vice President)
---145142 Paul E Anders - (Vice President)
---145143 Grady P Butts - (Vice President)
---145144 Cynthia L Leshner - (President)
---145145 John P Moore - (Secretary)
---145146 Paul E Pender - (Treasurer)
---145146 Paul E Pender - (Vice President)
---145147 Michael D Wadley - (Vice President)
---145148 Edward L Watzl - (President)
120419 Nrg Energy Inc - ()
---120389 Gary R Johnson - (Director)
---120390 John A Noer - (Director)
---120391 David H Peterson - (Chairman of the Board)
---120391 David H Peterson - (Chief Executive Officer)
---120391 David H Peterson - (Director)
---120391 David H Peterson - (President)
---137510 James J Bender Sr - (Assistant Secretary)
---137510 James J Bender Sr - (Vice President)
---137511 Leonard A Bluhm - (Corporate Officer)
---137512 Valorie A Knudsen - (Vice President)
---137513 Julie A Jorgensen - (Secretary)
---137514 Craig A Mataczynski - (Vice President)
---137515 Louise T Routhe - (Vice President)
---137516 Ronald J Will - (Vice President)
---137518 Edward J McIntyre - (Director)
---145137 Brian B Bird - (Treasurer)
---145138 Michael J Young - (Assistant Secretary)
---145139 Catherine J Cleveland - (Assistant Secretary)
---145140 Robert Mcclenachan - (Vice President)
---145141 David E Ripka - (Controller)
149239 Cp Sunnyside I, Inc - ()
---149242 Sunnyside II Inc - (Subsidiary Company)
-----149255 Sunnyside II Lp - (Subsidiary Company)
-----128991 Sunnyside Cogeneration Associates - (Subsidiary Company)
-----154154 Daniel L Haught - (Treasurer)
-----154156 Stephen B Gross - (Director)
-----154156 Stephen B Gross - (Vice President)
-----154157 Robert V Escalante - (Vice President)
-----154200 John T Long - (Chairman of the Board)
-----154200 John T Long - (Director)
-----154200 John T Long - (President)
-----154201 Steven L Miller - (Secretary)
---154154 Daniel L Haught - (Treasurer)
---154156 Stephen B Gross - (Director)
---154156 Stephen B Gross - (Vice President)
---154157 Robert V Escalante - (Vice President)
---154200 John T Long - (Chairman of the Board)
---154200 John T Long - (Director)
---154200 John T Long - (President)
---154201 Steven L Miller - (Secretary)
149244 Colmac Sunnyside Inc - ()
---149245 Willis S Mcleese - (Chairman of the Board)
---149245 Willis S Mcleese - (Chief Executive Officer)
---149245 Willis S Mcleese - (Director)
---149246 Greg B Lawyer - (Director)
---149246 Greg B Lawyer - (President)
---149249 Robert S Mcleese - (Chief Financial Officer)
---149249 Robert S Mcleese - (Secretary)
---149252 Sunnyside Holdings I Inc - (Subsidiary Company)
-----128991 Sunnyside Cogeneration Associates - (Subsidiary Company)
-----149245 Willis S Mcleese - (Chairman of the Board)
-----149245 Willis S Mcleese - (Chief Executive Officer)
-----149245 Willis S Mcleese - (Director)

-----149246 Greg B Lawyer - (Chief Operations Officer)
-----149246 Greg B Lawyer - (Director)
-----149246 Greg B Lawyer - (President)
-----149249 Robert S Mcleese - (Chief Financial Officer)
-----149249 Robert S Mcleese - (Secretary)
---154148 Gilbert B Warren - (Assistant Secretary)
---154148 Gilbert B Warren - (Director)

Narrative

NON-FEDERAL

PERMIT
C/007/0035

February 4, 2008

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple
Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5340

This permit, C/007/0035, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

Sunnyside Cogeneration Association
1 Power Plant Road
Sunnyside, Utah 84539
(435) 888-4476

for the Sunnyside Refuse/Slurry. Sunnyside Cogeneration Associates is the lessee of federal, state and fee-owned property. A performance bond is filed with the DOGM in the amount of \$1,775,000.00, payable to the state of Utah, Division of Oil, Gas and Mining. DOGM must receive a copy of this permit signed and dated by the Permittee.

Sec. 1 STATUTES AND REGULATIONS - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

Sec. 2 PERMIT AREA - The Permittee is authorized to conduct coal mining and reclamation operations on 323.95 acres of fee land on the following described lands within the permit area at the Sunnyside Refuse/Slurry situated in the state of Utah, Carbon County, and located:

Township 15 South, Range 14 East, SLBM
Section 6: Portions of S1/2 and SE1/4 of NE1/4, and
Section 7: Portions of N1/2.

This legal description is for the permit area of the Sunnyside Refuse/Slurry included in the mining and reclamation plan. The Permittee is authorized to conduct coal mining and reclamation operations on the foregoing described property subject to the conditions of the leases, including all conditions and all other applicable conditions, laws and regulations.

- Sec. 3 COMPLIANCE** - The Permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit becomes effective on February 4, 2008 and expires on February 4, 2013.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Director, DOGM. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13(e) and R645-303.
- Sec. 6 RIGHT OF ENTRY** - The Permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of OSMRE, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- (a) have the rights of entry provided for in 30 CFR 840.12, R645-400-110, 30 CFR 842.13 and R645-400-220; and,
 - (b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.
- Sec. 7 SCOPE OF OPERATIONS** - The Permittee shall conduct coal mining and reclamation operations only on those lands specifically designated as within the permit area on the maps submitted in the mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond.
- Sec. 8 ENVIRONMENTAL IMPACTS** - The Permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:
- (a) accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
 - (b) immediate implementation of measures necessary to comply; and
 - (c) warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

- Sec. 9 DISPOSAL OF POLLUTANTS** - The Permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.
- Sec. 10 CONDUCT OF OPERATIONS** - The Permittee shall conduct its operations:
- (a) in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
 - (b) utilizing methods specified as conditions of the permit by DOGM in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 11 EXISTING STRUCTURES** - As applicable, the Permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.
- Sec. 12 RECLAMATION FEE PAYMENT** - The Permittee shall pay all reclamation fees required by 30 CFR part 870 for coal produced under the permit, for sale, transfer or use.
- Sec. 13 AUTHORIZED AGENT** - The Permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.
- Sec. 14 COMPLIANCE WITH OTHER LAWS** - The Permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.
- Sec. 15 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 16 CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the Permittee shall ensure that the site(s) is not disturbed and shall notify DOGM. DOGM, after coordination with OSMRE, shall inform the Permittee of necessary actions required. The Permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.

Sec. 17 APPEALS - The Permittee shall have the right to appeal as provided for under R645-300.

Sec. 18 SPECIAL CONDITIONS - There are special conditions associated with this permitting action as described in attachment A.

The above conditions (Secs. 1-18) are also imposed upon the Permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the Permittee to comply with the terms of this permit and the lease. The Permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of DOGM and the Permittee at any time to adjust to changed conditions or to correct an oversight. DOGM may amend these conditions at any time without the consent of the Permittee in order to make them consistent with any new federal or state statutes and any new regulations.

THE STATE OF UTAH

By: John R. Bay-
Date: 2/11/2008

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

**Authorized Representative of
the Permittee**

Date: _____

Attachment A

SPECIAL CONDITIONS

1. Sunnyside Cogeneration Associates will submit water quality data for the Sunnyside Refuse and Slurry Mine in an electronic format through the Electronic Data Input web site.